

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

October 08, 2024

LAURA A. AUSTIN, CLERK

BY: s/A. Beeson
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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

SEAN PRICE,

Plaintiff,

V.

WARDEN STREEVAL, ET AL.,

Defendants.

Case No. 7:23CV00754

OPINION AND ORDER

JUDGE JAMES P. JONES

Plaintiff Sean Price, a federal inmate, filed this civil rights action against federal prison officials pursuant to *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971). He alleges that the defendants used or allowed use of excessive force against Price after he attempted suicide at the United States Penitentiary Lee County. Because Price paid the full filing costs for the case, the court notified him by Order entered March 14, 2024, about the options by which he could accomplish service of process on the defendants within 90 days from the date of the entry of that Order. Price submitted proposed summons for defendants, and the court issued them on May 31, 2024. On June 13, 2024, the court notified Price that his 90-day deadline to accomplish service had elapsed and granted him until July 15, 2024, to submit proof that each of the defendants had been served. This Order also warned Price that failure to comply

with this deadline would result in dismissal of the action without prejudice, pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.

The extra allotted time for Price to accomplish service has elapsed, and Price has not provided any evidence that he has accomplished service on any of the defendants. Accordingly, it is **ORDERED** that this civil action is hereby DISMISSED without prejudice pursuant to Rule 4(m), based on Price's failure to accomplish timely service on the defendants.

ENTER: October 8, 2024

/s/ JAMES P. JONES
Senior United States District Judge